

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UE 233

In the Matter of)	
)	MOTION FOR OFFICIAL NOTICE
IDAHO POWER COMPANY)	OF THE CITIZENS' UTILITY
)	BOARD OF OREGON
Request for General Rate Revision)	
_____)	

1 **I. Introduction**

2 Pursuant to OAR 860-001-0420(1) and OAR 860-001-0460(1)(d), the Citizens' Utility
3 Board of Oregon ("CUB") moves the Public Utility Commission of Oregon ("Commission") to
4 take official notice of portions of UE 246 record (PacifiCorp's 2012 general rate case). In
5 addition to the portions of the UE 246 record identified by Idaho Power Company ("Idaho
6 Power") in its Motion for Official Notice, CUB requests that the Commission take official notice
7 of the following non-confidential portions of the UE 246 record:

- 8 1. Response Testimony of Bob Jenks and Gordon Feighner (UE 246/CUB/100-
9 114/Jenks-Feighner).
- 10 2. Rebuttal Testimony of Bob Jenks and Gordon Feighner (UE 246/CUB/200-
11 213/Jenks-Feighner).
- 12 3. Direct Testimony of Jeremy Fisher (UE 246/Sierra Club/100-119/Fisher).
- 13 4. Direct Testimony of William Steinhurst (UE 246/Sierra Club/200-201/Steinhurst).
- 14 5. Surrebuttal Testimony of Jeremy Fisher (UE 246/Sierra Club/300-301/Fisher).
- 15 6. Surrebuttal Testimony of William Steinhurst (UE 246/Sierra Club/400/Steinhurst).
- 16 7. Pre-hearing Brief of the Citizens' Utility Board of Oregon

1 8. Post-hearing Brief of the Citizens' Utility Board of Oregon

2 9. Pre-hearing Brief of Sierra Club

3 10. Post-hearing Brief of Sierra Club

4 In addition to the portions of the UE 246 record identified above, CUB respectfully
5 requests that the Commission take official notice of the following confidential portions of the
6 pre-filed testimony and briefs in docket UE 246.¹

7 1. Pages 29 and 31-36 of the Response Testimony of Bob Jenks and Gordon Feighner
8 (CUB/100)

9 2. Pages 32-33 and 39-41 of the Rebuttal Testimony of Bob Jenks and Gordon Feighner
10 (CUB/200)

11 3. Pages 37-39 of CUB's Pre-hearing Brief

12 **II. Discussion**

13 Idaho Power and PacifiCorp are joint-owners of Jim Bridger Unit 3 whose incremental
14 emission control investments are at issue in both the UE 233 and UE 246 dockets. As indicated
15 by Idaho Power in its Motion for Official Notice, there is some overlap of facts in this case and
16 PacifiCorp's general rate case. The parties to this UE 233 docket have therefore been forced to
17 occasionally rely upon the testimony, exhibits, and now the hearing transcript and briefs, in the
18 UE 246 record to supplement the facts set forth in the UE 233 record.

19 OAR 860-001-0460(1)(d) provides that the Commission or ALJ may take official notice

¹ CUB is in the process of resolving with PacifiCorp the issue of use of confidential information from the UE 246 record in the UE 233 record. Due to CUB's work schedule, we were unable to make this request of PacifiCorp until the evening of Monday, December 3, 2012. As of the time of this filing, CUB has not received a response from PacifiCorp. In the event that CUB is given access to the confidential information from UE 246 that it has requested from PacifiCorp, in the same manner that PacifiCorp has allowed Idaho Power to use the confidential information identified in its Motion for Official Notice, CUB will withdraw its objections to Idaho Power's Motion for Official Notice.

1 of “[d]ocuments and records in the files of the Commission that have been made a part of the
2 files in the regular course of performing the Commission’s duties.” The pre-filed testimony,
3 exhibits and briefs of CUB and Sierra Club in docket UE 246 constitute documents in the files of
4 the Commission that were made in the regular course of the Commission’s adjudication of
5 docket UE 246. Therefore, it is appropriate that the Commission take official notice of relevant
6 information in docket UE 246 pursuant to OAR 860-001-0460(1)(d).

7 CUB also requests that the Commission take official notice of the confidential
8 information from UE 246, identified above. The confidential portions of CUB’s pre-filed
9 testimony and Pre-hearing Brief in docket UE 246 are subject to Protective Order 12-060. The
10 terms of the protective order require a party seeking to use or disclose information for any
11 purpose other than participating in the UE 246 proceedings to seek written permission from the
12 party designating the information as confidential. CUB made a written request to PacifiCorp for
13 the use of the above-identified confidential information in docket UE 233, and was granted
14 PacifiCorp’s permission on December 4, 2012. CUB agrees to keep the requested information
15 confidential pursuant to the protective order in place in docket UE 233 (Order No. 11-288).

16 Idaho Power has indicated to CUB that it does not object to CUB’s request for official
17 notice of the information identified above.

1 **III. Conclusion**

2 For the reasons discussed above, CUB respectfully moves the Commission to take
3 official notice of the requested portions of the UE 246 record.

DATED this 5th day of December, 2012.

Respectfully submitted,



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UE 233 – CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of December, 2012, I served the foregoing **MOTION FOR OFFICIAL NOTICE OF THE CITIZENS' UTILITY BOARD OF OREGON** in docket UE 233 upon each party listed in the UE 233 OPUC Service List by email and, where paper service is not waived, by U.S. mail, postage prepaid, and upon the Commission by email and by sending one original and two copies by U.S. mail, postage prepaid, to the Commission's Salem offices.

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(HC denotes highly confidential)

(C denotes service of Confidential material authorized)

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sommer Templet". The signature is written in a cursive, flowing style.

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